

ITEM NO.52

COURT NO.10

SECTION IX

S U P R E M E      C O U R T   O F      I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).6556/2009

(From the judgement and order dated 04/03/2009 in                      WP No. 5591/2008  
of The HIGH COURT OF BOMBAY)

MUMBAI INTERNATIONAL AIRPORT P.LTD.

Petitioner(s)

VERSUS

M/S GOLDEN CHARIOT AIRPORT &amp; ANR.

Respondent(s)

(With appln(s) for permission to file additional document as Volume-  
II & Volume-III and with prayer for interim relief and office  
report)

[For further hearing]

WITH

SLP(C) NO. 11663 of 2009

(With appln.(s) for exemption from filing c/c of the impugned  
judgment and with prayer for interim relief and office report)

Date: 11/02/2010      These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)      Mr.    Amar Dave, Adv.  
                                 Mr.    Ashish Jha, Adv.  
                                 Ms.    Meenakshi Chatterjee, Adv.  
For                           M/S. "Coac", Advs.

For Airport  
Authority of India      Mr.    Ramji Srinivasan, Sr.Adv.  
                                 Mr.    Praveen Jain, Adv.  
                                 Mr.    Mukesh Kumar, Adv.  
                                 Ms.    Padma Pirya, Adv.  
For                           M/s. M.V. Kini & Associates, Advs.

For Respondent(s)      Mr.    Shyam Divan, Sr.Adv.  
                                 Mr.    Vinay Hegde, Adv.  
                                 Ms.    Aishwarya Bhati, Adv.  
Gp.    Capt.Karan Singh Bhati, Adv.

Contd....2/-

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UPON hearing counsel the Court made the following  
O R D E R

Arguments                      in                      these                      special                      leave                      petitions                      were                      heard                      on  
various dates.                      On 29.01.2010, the court had passed the following  
order :-

"Heard learned senior counsel for the parties

at length. During the course of hearing, we inquired from Shri Ramji Srinivasan, learned senior counsel appearing for Airport Authority of India whether any officer is occupying the position of the Estate Officer. In reply, Shri Ramji Srinivasan stated that the incumbent has recently retired.

In view of the statement of the learned senior counsel, we direct the Airport Authority of India to appoint/nominate an officer as Estate Officer for the purpose of the Public Premises (Eviction of Unauthorized Persons) Act, 1971 within a period of ten days from today.

List the case on 11th February, 2010 for further hearing."

Today, Mr. Ramji Srinivasan, learned senior counsel appearing on behalf of Airport Authority of India placed before the court a copy of letter dated 10.02.2010 issued by Executive Director (Comml./LM), addressed to the Regional Executive Director (WR), Airports Authority of India, CSI Airport, Mumbai whereby Mr.K.K.Gupta, Deputy General Manager (LM) has been nominated as Estate Officer under Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 for dealing with the case of M/s Golden Chariot Airport & Another in place of Sh.Keshava Sharma, General Manager (Commercial & LM). A copy of the letter has been made available to Mr. Shyam Divan, learned counsel appearing on behalf of respondent No.1.

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The parties are directed to appear before the Estate Officer in his office on 17.02.2010 at 12.30 P.M., on which date the Estate Officer shall fix the date of hearing. After hearing the parties, the Estate Officer shall pass appropriate order in accordance with law on or before 30.04.2010 and make available copies of his reasoned order to the parties or their representatives within next two days.

It is made clear that the issue of locus of Mumbai International Airport Limited shall not be raised in the proceedings before the Estate Officer.

The parties shall be free to file additional affidavits in these special leave petitions challenging and/supporting the order of the Estate Officer.

List the case on May 7, 2010 for further arguments.

(Satish K.Yadav)  
Court Master

( Phoolan Wati Arora )  
Court Master